



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2306782
Applicant Name: John Harrison for Harrison Construction & Restoration LLC
Address of Proposal: 3252 13th Ave W

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two (2) parcels of land. Proposed parcel sizes are approximately: A) 2,832 square feet and B) 3,167 square feet. The existing structures are to remain. At the time of this decision there was no related building permit to this subdivision.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, (23.24.046) Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

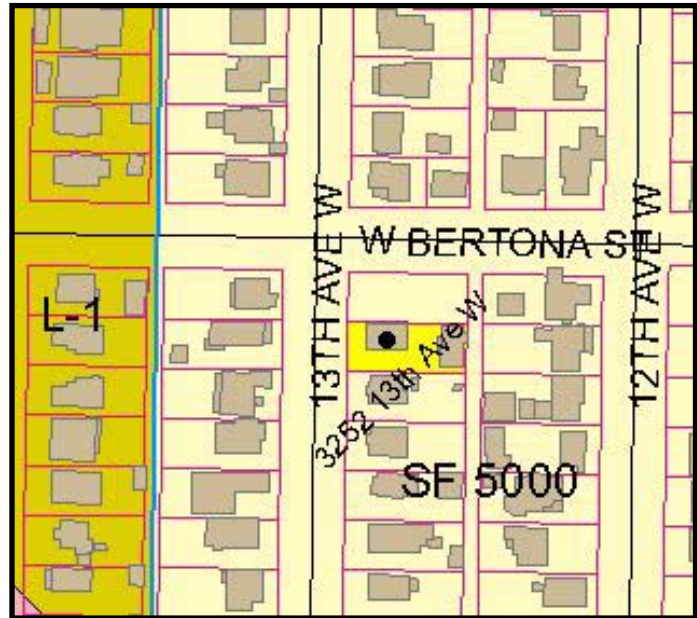
☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

The 6,000 square foot project site is located in a single-family residential zone with a minimum lot size of 5,000 square feet (SF 5000), located in the northwest area of Seattle. The parcel is located on 13th Ave W between W Bertona and W Dravus Streets, with approximately fifty (50) feet of street frontage on 13th Ave W. 13th Ave W is paved with curbs, gutters, sidewalks and planting strips on both sides of the street. There are two existing houses on the site, which are to remain. A paved sixteen (16) foot alley abuts the rear of the property. Existing vehicle access is from 13th Ave W. The lot has a gentle rise in slope from southwest corner to northeast corner. 13th Ave W is classified as a non-arterial street, pursuant to SMC Chapter 23.53. Surrounding properties and blocks are also zoned SF 5000. Development in the area consists of a variety of one and two-story single-family houses of varying age and architectural style on a variety of lot sizes, consistent with the zoning designations.



Proposal

Pursuant to SMC 23.24.046, multiple single-family dwelling units on a single-family lot may be subdivided when the provisions of the chapter are met. The proposal is to subdivide one parcel of land into two (2) parcels. Proposed lot areas are indicated in the summary above. Proposed parcels A and B will have direct pedestrian and vehicle access to 13th Ave W. The existing single family residences will remain. Vehicle access is also to remain off of 13th Ave W with a new curbcut proposed for parcel B. The existing curbcut will remain which gives vehicle access to proposed parcel A.

The subject of this analysis and decision is only the proposed division of land.

Public Comment

During the public comment period which ended November 5th, 2003, DPD received one written comment from the public related to the subdivision application. The comment was related to drainage issues from future development, increase in density and future construction on the proposed lots.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet. The allowed use in a single family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041 and multiple single-family dwelling units on a single-family lot meeting the provisions of SMC 23.24.046 notwithstanding. Maximum lot coverage is 35% or 1,750 sq ft whichever is greater or as modified by SMC 23.24.046. Front yard setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. In this case, the front yards for both structures are existing. The minimum side yard setbacks are five (5) feet, except as modified by 23.24.046-B5. Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-hundred twenty five feet (125'), 20% of lot depth, or as modified by 23.24.046-B5. The principal structures associated with this subdivision will have some degree of non-conformity relevant to development standards and as a result will be subject to SMC 23.42.112 – Nonconformity to development standards. Table 1

on page 6 of this document outlines the extent of the non-conformities to both proposed parcels A and B of this subdivision.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed parcels A and B will have direct pedestrian access to 13th Ave W. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and does not require an easement to provide for electrical facilities and service to the proposed lots. Vehicle access to proposed parcel A is via an existing 10' curbcut via 13th Ave W to an existing surface parking space. Parcel B is proposed to have a surface parking space via a future 10' curbcut also off of 13th Ave W. The location of each lot's street frontage is that so the two 10' foot curbcuts are side by side. The number of parking spaces is not proposed to be reduced by the application, two spaces exist and two will remain. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on November 19th, 2003 (WAC ID No. 2003-1257). The two existing houses located upon the proposed short plat currently discharge sanitary waste to the combined sewer in 13th Ave W. A side sewer easement is provided in the short plat proposal for the crossing of the sidesewer from proposed Parcel B beneath proposed Parcel A.

The city has not records of the method of stormwater discharge from the two existing structures. New construction will discharge its stormwater runoff to the combined sewer in 13th Ave W. Detention with controlled release will be required.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the public use and interest are served.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

There are no trees located on the site. At the time of this decision, no related building permit has been applied for. Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050 and 25.11.060 which sets forth tree planting and exceptional tree protection requirements on single-family lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

SMC 23.24.046

Subsection B of the SMC 23.24.046 outlines the requirements for the subdivision of a lot in a single-family zone containing more than one (1) existing single-family dwelling as detailed below.

1. *Each existing single-family dwelling unit was legally established by permit or is eligible to be established as a nonconforming development in accordance with Section 23.42.102, Establishing nonconforming status;*

There are existing permits on record with The City for the two single-family structures. The first permit was issued in 1898 to building one 20' x 40' residence on site. The second permit was issued on April 18th, 1911 to build a second 20' x 40' 1 story residence. Also, on July 9th, 1908 there is a permit that was issued to move a 1 story house to the rear of the lot. Therefore the requirements of this section are met as the single-family residences were legally established by permit. The permits are located in the project file as well as in the City's microfilm records.

2. *Each existing single-family dwelling unit was constructed prior to February 20, 1982;*

There are existing permits on record with The City for the two single-family structures prior to 1982. The first permit was issued in 1898 to building one 20' x 40' residence on site. The second permit was issued on April 18th, 1911 to build a second 20' x 40' 1 story residence. Also, on July 9th, 1908 there is a permit that was issued to move a 1 story house to the rear of the lot. Therefore the requirements of this section are met as the single-family residences were legally established by permit and constructed prior to 1982. The permits are located in the project file as well as in the City's microfilm records.

3. *Each resulting lot has one (1), but no more than one (1), existing single-family dwelling unit;*

Each resulting lot will have one (1) single family residence located on it as evidenced by the approved plat configuration showing separate structures on each proposed lot and coupled with the building permits detailed above which specify each structure as residence or dwelling. Therefore the provisions of this section are met.

4. *Parking is provided in accordance with Section 23.44.016, Parking location and access, unless the Director determines that at least one (1) of the following conditions is present:*

Parking provided in accordance with SMC 23.44.016, so the provisions of this section are met.

5. *Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:*

- a. Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and*
- b. No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

The proposed subdivision will be in concurrence with the above criteria (23.24.046-B5 (a) (b)). The single-family dwellings will be 11.63' feet at the closest point to the proposed common lot line. The smallest lot size of the proposed parcels is 2,811 square feet (parcel A). As a result, the proposed lots meet the criteria for waiver or modification of the development standards. DPD recognizes the two existing single-family dwellings as meeting the provisions of SMC 23.24.046-B. Below is a table that summarizes the modification or waivers to the development standards that are required to approve the short plat.

This short subdivision was submitted on the basis of SMC 23.24.046, which allows for a lot in a single-family zone containing more than one (1) existing single-family dwelling units to be divided in accordance with SMC 23.24.046-B, as long as each of the required conditions are satisfied. The analysis of the required criteria and or modification is examined in the relevant criteria for short plat approval above.

Analysis of Required Yards

	Front Yard	Side Yard (north)	Side Yard (south)	Rear Yard

<i>Proposed Parcel A</i> <i>3252 13th Ave W</i>	Non-conforming at 18.81'	Non-conforming at 2.66'	Conforming at 12.9'	Only new non- conformity: 11.63' to rear façade and approximately 8.63' to rear porch/steps
<i>Proposed Parcel B</i> <i>3250 13th Ave W</i>	Conforming at 20'+	Non-conforming at 3.83'	Conforming at 5.23'	Non-conforming at .5'

Table 1**DECISION - SHORT SUBDIVISION**

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION**Prior to Recording**

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.

After Recording and Prior to Issuance of a Building Permit

3. Attach a copy of the recorded subdivision to all future building permit application plans.

Signature: _____ (signature on file) Date: March 4, 2004
 Lucas DeHerrera, RIC, Land Use Planner
 Department of Planning and Development (DPD)

LD:bg

H:\doc\LucasWrittenDecisions\Short.Plat\2306782.Short.Plat.2.SF.1Lot\WrittenDec.2306782.doc